

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No: Q101074

**Takashi HORIGUCHI et al.**

Conf. No.: 9679

Appln. No.: 10/547,843

Group Art Unit: 1649

Filed: September 6, 2005

Examiner: Chernyshev, Olga

For: NOVEL PROTEIN AND ITS DNA

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. §§ 1.97 and 1.98

## MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of the listed document, along with the Japanese Office Action dated September 29, 2009 and an English translation thereof, is submitted herewith.

The present Fifth Supplemental Information Disclosure Statement is being filed after either a Final Office Action, but before payment of the Issue Fee. Therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is being remitted, and a Statement Under 37 C.F.R. § 1.97(e).

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The U.S. Patent and Trademark Office is hereby directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



William J. Simmons, Ph.D.  
Registration No. 59,887

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: November 23, 2009

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Docket No: Q101074  
Takashi HORIGUCHI et al. Conf. No.: 9679  
Appln. No.: 10/547,843 Group Art Unit: 1649  
Filed: September 6, 2005 Examiner: Chernyshev, Olga  
For: NOVEL PROTEIN AND ITS DNA

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Fifth Supplemental Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Fifth Supplemental Information Disclosure Statement.

Respectfully submitted,



William J. Simmons, Ph.D.  
Registration No. 59,887

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: November 23, 2009